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December 10, 2014

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By Overnight Delivery

Hon. Martin Glenn, USBJ
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 1004-1408

Re: In re Residential Capital, LLC et al.
United States Bankruptcy Court
Southern District of New York
Jointly Administered Under Case No. 12-12020 (MG)

Dear Judge Glenn:

This firm is counsel to the ResCap Borrower Claims Trust (the "Trust"). During the hearing on December 10, 2014 concerning the Trust's objection to claim number 960 filed by Michael Boyd, you requested an update on Mr. Boyd's petition for a panel rehearing from a decision entered by the United States Court of Appeals for the Ninth Circuit in his case against GMAC Mortgage, LLC. We conferred with outside counsel in the matter and also reviewed the public docket and confirmed that no action has been taken by the Ninth Circuit panel since Mr. Boyd filed his petition in September. The case docket (as of today) is attached to this letter for Your Honor's review.

Respectfully submitted,


Jordan A. Wishnew

Cc: Michael Boyd (via email) (with enclosure)

Enclosure

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 12-17434
Nature of Suit: 3371 Truth in Lending
Michael Boyd v. GMAC Mortgage LLC, et al
Appeal From: U.S. District Court for Northern California, San Jose
Fee Status: Paid

Docketed: 10/31/2012
Termed: 08/22/2014

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0971-5 : [5:11-cv-05018-PSG](#)
Court Reporter: Summer A. Fisher, Court Reporter
Trial Judge: Paul S. Grewal, Magistrate Judge
Date Filed: 10/12/2011
Date Order/Judgment: 10/01/2012

Date Order/Judgment EOD:
10/01/2012

Date NOA Filed:
10/29/2012

Date Rec'd COA:
10/30/2012

Prior Cases:

[10-72083](#) **Date Filed:** 07/02/2010 **Date Disposed:** 09/30/2010 **Disposition:** Rule 42-1 Dismissal - Clerk Order

Current Cases:

	Lead	Member	Start	End
Related	12-16589	12-17434	10/31/2012	

MICHAEL E. BOYD
Plaintiff - Appellant,

Michael E. Boyd
Direct: 408-891-9677
[NTC Pro Se]
CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE)
5439 Soquel Drive
Soquel, CA 95073

v.

GMAC MORTGAGE LLC
Defendant - Appellee,

Elizabeth Holt Andrews, Esquire
[COR NTC Retained]
Severson & Werson
One Embarcadero Center
San Francisco, CA 94111

Maria Schindler
Direct: 415-398-3344
[COR NTC Retained]
Severson & Werson
Suite 2600
One Embarcadero Center
San Francisco, CA 94111

MORTGAGE ELECTRONIC REGISTRATION SERVICES, INC.
Defendant - Appellee,

Elizabeth Holt Andrews, Esquire
[COR NTC Retained]
(see above)

Maria Schindler
Direct: 415-398-3344
[COR NTC Retained]
(see above)
















MICHAEL E. BOYD,

Plaintiff - Appellant,

v.

GMAC MORTGAGE LLC; MORTGAGE ELECTRONIC REGISTRATION SERVICES, INC.,

Defendants - Appellees.

10/31/2012	 1 20 pg, 352.14 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PROSE APPELLANT. The schedule is set as follows: Transcript ordered by 11/28/2012. Transcript due 12/28/2012. Appellant Michael E. Boyd opening brief due 02/06/2013. Appellees GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc. answering brief due 03/08/2013. Appellant's optional reply brief is due 14 days after service of the answering brief. [8382266] (GR) [Entered: 10/31/2012 08:30 AM]
01/02/2013	 2 25 pg, 878.22 KB	Filed (ECF) Appellees GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc. Correspondence: Notice of Bankruptcy and Non-Effect of Automatic Stay. Date of service: 01/02/2013 [8458871] (EHA) [Entered: 01/02/2013 05:45 PM]
02/01/2013	 3	Form 13 Streamlined request by Appellant Mr. Michael E. Boyd to extend time to file the brief is not approved because filer's status in ECF is active. Filer may resubmit the request using ECF event "File a Streamlined Request to Extend Time to File a Brief." [8497209] (LW) [Entered: 02/01/2013 12:31 PM]
02/02/2013	 4	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Mr. Michael E. Boyd. New requested due date is 03/08/2013 at 11:59 pm. [8498070] (MEB) [Entered: 02/02/2013 09:35 PM]
02/04/2013	 5	Streamlined request by Appellant Mr. Michael E. Boyd to extend time to file the brief is approved. Amended briefing schedule: Appellant Michael E. Boyd opening brief due 03/08/2013. Appellees GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc. answering brief due 04/08/2013. The optional reply brief is due 14 days from the date of service of the answering brief. [8498425] (LW) [Entered: 02/04/2013 10:18 AM]
03/08/2013	 6 14 pg, 155.59 KB	Submitted (ECF) Opening Brief for review. Submitted by Appellant Mr. Michael E. Boyd. Date of service: 03/08/2013. [8542908] (MEB) [Entered: 03/08/2013 11:12 AM]
03/08/2013	 7 2 pg, 86.08 KB	Filed clerk order: The opening brief [6] submitted by Mr. Michael E. Boyd is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: not applicable. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8543328] (JB) [Entered: 03/08/2013 01:40 PM]
03/14/2013	 8	Received 7 paper copies of Opening brief [6] filed by Mr. Michael E. Boyd. [8552535] (SD) [Entered: 03/15/2013 12:48 PM]
04/08/2013	 9 41 pg, 111.43 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellees GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc.. Date of service: 04/08/2013. [8581386] (EHA) [Entered: 04/08/2013 01:39 PM]
04/08/2013	 12	Filed Appellees' paper copies of supplemental excerpts of record [10] in 3 volumes. [8584841] (JB) [Entered: 04/10/2013 01:14 PM]
04/09/2013	 10 418 pg, 12.74 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellees GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc.. Date of service: 04/08/2013. [8583257] (EHA) [Entered: 04/09/2013 02:11 PM]
04/09/2013	 11 2 pg, 86.61 KB	Filed clerk order: The answering brief [9] submitted by GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [10] submitted by GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc.. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [8583334] (JB) [Entered: 04/09/2013 02:28 PM]
04/11/2013	 13	Received 7 paper copies of Answering brief [9] filed by GMAC Mortgage LLC and Mortgage Electronic Registration Services, Inc.. [8588259] (SD) [Entered: 04/12/2013 12:45 PM]
08/22/2014	 14 9 pg, 449.91 KB	FILED MEMORANDUM (MARY M. SCHROEDER, SIDNEY R. THOMAS and ANDREW D. HURWITZ) AFFIRMED. FILED AND ENTERED JUDGMENT. [9215281] (MS) [Entered: 08/22/2014 10:31 AM]
09/04/2014	 15 28 pg, 269.09 KB	Filed (ECF) Appellant Mr. Michael E. Boyd petition for panel rehearing (from 08/22/2014 memorandum). Date of service: 09/04/2014. [9229216] (MEB) [Entered: 09/04/2014 04:41 PM]

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